REMARKS

By this Amendment, Applicants amend claims 1, 3, 4, 7, 11, 13, and 19, cancel claims 2 and 12, and add claims 20 and 21. Thus, claims 1, 3-11, and 13-21 are pending. Applicants also amend Fig. 3 for clarity. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Zhou and Cabeca in the December 6 personal interview. Applicants incorporate a separate record of the substance of the interview into the following remarks.

The Office Action objects to claims 1 and 11 for minor informalities. By this Amendment, Applicants amend claims 1 and 11 to correct the informalities. Accordingly, Applicants respectfully request withdrawal of the objection.

The Office Acton rejects claim 7 under 35 U.S.C. §112, second paragraph, as indefinite. By this Amendment, Applicants amend claim 7 such that it is definite. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1-19 under 35 U.S.C. §102(e) over U.S. Patent 6,670,970 to Bonura et al. (hereinafter "Bonura"). Applicants respectfully traverse the rejection.

Bonura does not disclose "selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at least one selected representation element is within the user's focus of attention," as recited in amended claim 1 or "a user focus of attention determining circuit that determines a user's focus of attention, wherein the at least one representation element is within the user's focus of attention," as recited in amended claim 11. Support for amended claims 1 and 11 may be found at least in original claims 2 and 12, Figs. 8 and 9, and page 17, lines 8-19 of Applicants' specification.

Bonura discloses a system and method of altering the visual and/or manipulative translucency of a floating window within a graphical user interface (GUI) based on a length of time since information within the floating window is updated (see e.g., abstract; col. 3, lines 39-49, col. 3, line 56 - col. 4, lime 6; col. 5, line 53 - col. 6, line 28; col. 7, lines 44-67; and Fig. 6). More importantly, according to Bonura, a floating window begins to become translucent when the information within the window has not changed, i.e., a user has no reason to pay attention to that information anymore (abstract; col. 3, lines 39-49, col. 3, line 56 - col. 4, lime 6; and col. 5, line 53 - col. 6, line 28). Thus, a user may pay attention to and/or interact with information that is behind the translucent window (col. 3, lines 43-47; col. 3, line 67 - col. 4, line 3; and col. 7, lines 44-53). The result being that a window in which a user is no longer focusing his/her attention begins to become translucent. When information in the window is changed, the window becomes opaque again (column 6, lines 2-5).

The Office Action alleges that the visual translucency of the floating window disclosed in Bonura is equivalent to the claimed "representational element." However, the floating window is not within the user's focus of attention when it becomes more translucent. In fact, the floating window is intentionally made translucent because the systems and methods of Bonura have determined that the information within the floating window is not within the user's focus of attention because it has not changed for a predetermined amount of time. Furthermore, when a window returns to opaque due to new information being displayed, the returned opacity occurs prior to the user re-focusing his or her attention on the window since the user only focuses his or her attention on the opaque window due to its returned to opacity. Accordingly, when the opacity returns, the window is outside the user's focus of attention.

Thus, Bonura cannot reasonably be considered to disclose "selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at least one selected representation element is within the user's focus of attention," as recited in amended claim 1 or "a user focus of attention determining circuit that determines a user's focus of attention, wherein the at least one representation element is within the user's focus of attention," as recited in amended claim 11.

Because Bonura does not disclose "selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at least one selected representation element is within the user's focus of attention" or "a user focus of attention determining circuit that determines a user's focus of attention, wherein the at least one representation element is within the user's focus of attention," claims 1 and 11 are patentable over Bonura. Further, Applicants respectively submit that claims 3-10, and 13-19 are patentable for at least the reasons that claims 1 and 11 are patentable, as well as for the additional features they recite. Accordingly, Applicants respectfully request withdrawal of the rejection.

By this Amendment Applicants add new claim 20. Claim 20 recites that "determining a user's focus-of-attention comprises determining a users focus of attention by actively sensing the user's focus of attention." Claim 20 is supported at least on page 17, line 8-19 of Applicants' specification. Bonura does not disclose, teach, or suggest this feature. The Office Action alleges that Bonura determines a user's focus of attention by presenting new information in a window, i.e., because new information is in the window the user will focus his or her attention on it. Presenting new information in a window is not an active determination of the user's focus of attention, but rather a passive determination (i.e., it is assumed that a user will focus on a window in which new information is presented). Conversely, according to claim 21, the user's focus of attention is actively sensed. This may

-8-

be accomplished, for example, by tracking the movement of the mouse or using sensors that track head attitude or eye positioning (page 17, line 8-19).

Because Bonura does not disclose, teach, or suggest, "determining a user's focus of attention comprises determining a users focus of attention by <u>actively sensing</u> the user's focus of attention," claim 20 is patentable over Bonura.

During the personal interview, Examiners Zhou and Cabeca expressed concern that new claim 21 may be rejected under 35 U.S.C. §112, first paragraph., for lacking written description. Applicants respectfully traverse this assertion.

"The subject matter of a claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement" (MPEP §2163.02). Rather, "each claim limitation must be expressly, <u>implicitly, or inherently</u> supported in the original filed disclosure" (emphasis added, MPEP §2163.05). Furthermore, a specification describing the whole, necessarily describes the part remaining (MPEP §2173.05(i)).

Applicants specification clearly describes that "representation elements may change color, shape, size and/or <u>any other known or later-developed display attribute</u>" (page 7, lines 2-6; see also page 6, lines 17-19, page 7, lines 6-8, and page 6, lines 21-22). Furthermore, the specification provides examples of representation elements, including, but not limited to, increased air circulation (page 6, line 6), touch representation elements (page 6, lines 8-9), movement of room elements (page 6, line 11), sound, olfactory, and/or taste representation elements (page 6, line 13), font characteristics (page 6, line 22), window coloring (page 6, lines 22-23), current text color (page 6, line 23), desktop wall paper (page 6, lines 23-24), visual, sound, touch, taste, and/or smell elements (page 7, lines 9-10) a state of a boarder (page 12, line 18), a font color (page 12, line 20), a state of a text font (page 14, line 2), fading of a wall paper into video (page 15, lines 1-3), and/or window boarder colors (page 18,

lines 10-12). Thus, Applicants respectfully assert that the specification describes "the whole" of representation elements.

Because Applicants describe the whole of representation elements, Applicants have disclosed any part remaining of those representation elements when one or more are excluded (see MPEP §2163.05). For example, Applicants disclosure of any of the above-described exemplary representation elements at least implicitly discloses "at least one representation element, other than a visual translucency of the floating window," as recited in claim 21, since any of increased air circulation; touch representation elements; movement of room elements; sound, olfactory, and/or taste representation elements; font characteristics; window coloring; current text color; desktop wall paper; visual, sound, touch, taste, and/or smell elements; a state of a boarder; a font color; a state of a text font; fading of a wall paper into video; and/or window boarder are a representation element other than a visual translucency of a floating window.

Applicants respectfully submit that the same holds true for the "at least one activity stream, other than a presence or lack of new information on a floating window," feature of claim 21. Applicants' specification clearly describes that the activity stream "can be implemented using one or more physical sensors that sense physical events, one or more computer application events, interrupts, or <u>any known or later-developed event capable of generating a signal</u>" (page 7, lines 23-25). Furthermore, the specification provides examples of activity streams, including, but not limited to, reminders of scheduled events (page 8, lines 13-14), sensor values (page 8, line 14), occupancy values (page 8, line 17), traffic sensor values (page 10, line 18), pressure switch values (page 10, line 21), microwave radar, ultrasonic, laser, and/or count sensor values (page 11, lines 3-5), and occurrence of a calendar event (page 13, line 23) (see also, Fig 6 and page 14, line 14 – page 16, line 3).

Because Applicants describe the whole of activity streams, Applicants have disclosed any part remaining of those activity streams when one or more are excluded (see MPEP §2163.05). For example, Applicants disclosure of any of the above-described exemplary activity streams at least implicitly discloses "at least one activity stream, other than a presence or lack of new information on a floating window," as recited in claim 21, since any of reminders of scheduled events; sensor values; occupancy values; traffic sensor values; pressure switch values; microwave radar, ultrasonic, laser, and/or count sensor values; and/or occurrence of a calendar event are an activity stream other than a presence or lack of new information on a floating window.
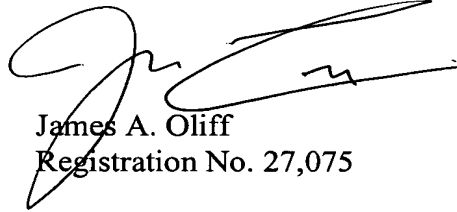
In view of at least the foregoing Applicants respectfully submit that the features of claim 21 are adequately described in the specification.

Furthermore, in view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1, 3-11, and 13-21.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Date: December 10, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Fig. 3 and replaces the original sheet with Fig. 3.

Attachment: Replacement Sheet